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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/017,988 | 12/06/2001 | Ronald C. Card | 80398P490 | 8402 |

8791      7590      06/14/2006

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| EXAMINER |
|---|
| TESLOVICH, TAMARA |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2137 | |

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
| | :--- | :--- |
| **Office Action Summary** | 10/017,988 | CARD, RONALD C. |
| | Examiner | Art Unit | |
| | Tamara Teslovich | 2137 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on *31 March 2006*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) *1,2,4-18,20-26 and 28-49* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1, 2, 4-18, 20-26, 28-49* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *03.31.06*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

## DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 31, 2006 has been entered.

Claims 3, 19 and 27 remain cancelled by the Applicant.

Claim 49 is newly added.

Claims 1-2, 4-18, 20-26, and 28-49 are herein considered.

### *Response to Arguments*

Applicant's arguments, see pages 12-14, filed March 31, 2006, with respect to the rejection(s) of claim(s) 1, 5, 12, 17, 20, 21, 28, 31, 37-40, and 47-48 under 35 U.S.C. 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made under 35 U.S.C. 102(e) in view of U.S. Patent No. 6,308,273 B1 to Goertzel et al.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

**Claims 1-2, 4-7, 9-10, 12-14, 15, 17, 20-22, 24, 26, 28, 31-34, 36-49 are**

**rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,308,273**

**B1 to Goertzel et al.**

As per **claim 1**, Goertzel discloses a method for execution by a computer, the

method comprising transmitting identification information related to a user to an

authentication entity; and receiving access to a secure data providing entity coupled to

said authentication entity if authentication information identifying said user is provided to

said secure data providing entity, said authentication information comprising levels of

authentication corresponding to locations, wherein different levels of access to said

secure data providing entity are given when said user requests access from different

locations (col.1 line 55 thru col.2 line 10).

As per **claim 2**, Goertzel discloses the method according to claim 1, wherein said

transmitting further comprises transmitting at least one access question to said

authentication entity, said at least one access question being tailored by said user

based on said identification information in order to uniquely identify and authenticate

said user (col.16 lines 36-54).

As per **claim 4**, Goertzel discloses the method according to claim 1, wherein said authentication information is based on a profile of said user stored in said authentication entity (col.16 lines 36-54).

As per **claim 5**, Goertzel discloses the method according to claim 4, wherein said profile contains said identification information related to said user and at least one level of authentication (col.16 lines 36-54).

As per **claim 6**, Goertzel discloses the method according to claim 2, wherein said receiving further comprises receiving an authentication request from said secure entity;

transmitting said authentication request to said authentication entity; receiving said at least one access question from said authentication entity; and transmitting an answer to said at least one access question to said authentication entity to authenticate said user (col.16 lines 36-54).

As per **claim 7**, Goertzel discloses the method according to claim 2, wherein said receiving further comprises receiving said at least one access question from said authentication entity; and transmitting an answer to said at least one access question to said authentication entity to authenticate said user (col.16 lines 36-54).

As per **claim 9**, Goertzel discloses the method according to claim 1, wherein said receiving further comprises receiving at least one access question from said authentication entity, said at least one access question being created by said authentication entity based on said identification information in order to uniquely identify and authenticate said user; and providing an answer to said at least one access question to said authentication entity to authenticate said user (col.16 lines 36-54).

As per **claim 10**, Goertzel discloses the method according to claim 1, wherein said secure data providing entity specifies a plurality of authenticated users to said authentication entity and said authentication entity stores, said authentication information related to each authenticated user of said plurality of authenticated users (col.4 line 51 thru col.5 line 11).

As per **claim 12**, Goertzel discloses a method for execution by a computer, the method comprising receiving an authentication request related to a user requesting access to a secure data providing entity; retrieving a profile of said user from an access database; and transmitting authentication information to said secure data providing entity, said authentication information comprising levels of authentication corresponding to locations, wherein different levels of access to said secure data providing entity are given when said user requests access from different locations (col.1 line 55 thru col.2 line 10).

As per **claim 13**, Goertzel discloses the method according to claim 12, wherein said authentication request is received directly from said secure data providing entity (col.16 lines 36-54).

As per **claim 15**, Goertzel discloses the method according to claim 12, wherein said authentication information is transmitted directly to said secure data providing entity (col.16 lines 36-54).

As per **claim 17**, Goertzel discloses the method according to claim 12, further comprising receiving identification information related to said user from a personal transaction device coupled to said user and said secure data providing entity, said

identification information including at least one access question uniquely identifying said

user; and storing said at least one access question and at least one level of

authentication in said profile within said access database (col.16 lines 36-54).

As per **claim 20**, Goertzel discloses the method according to claim 12, further

comprising receiving identification information related to said user from a personal

transaction device coupled to said user and said secure data providing entity; creating

at least one access question based on said identification information, said at least one

access question uniquely identifying said user; and storing said at least one access

question and at least one level of authentication in said profile within said access

database (col.16 lines 36-54)

**Claims 21, 22, 24 and 26** are directed towards a system's implementation of the

method of claims 12, 13, 15 and 17 and are rejected by similar rationale.

**Claim 28** is directed towards a system's implementation of the method of claim

20 and is rejected by similar rationale.

As per **claim 31**, Goertzel discloses an apparatus comprising means for

transmitting identification information related to a user to an authentication entity; and

means for receiving access to a secure data providing entity coupled to said

authentication entity if authentication information identifying said user is provided to said

secure data providing entity, said authentication information comprising levels of

authentication corresponding to locations, wherein different levels of access to said

secure data providing entity are given when said user requests access from different

locations (col.1 line 55 thru col.2 line 10).

As per **claim 32**, Goertzel discloses the apparatus according to claim 31, further comprising means for transmitting at least one access question to said authentication entity said at least one access question being tailored by said user based on said identification information in order to uniquely identify and authenticate said user (col.16 lines 36-54).

As per **claim 33**, Goertzel discloses the apparatus according to claim 32, further comprising means for receiving an authentication request from said secure data providing entity; means for transmitting said authentication request to said authentication entity; means for receiving said at least one access question from said authentication entity; and means for transmitting an answer to said at least one access question to said authentication entity to authenticate said user (col.16 lines 36-54).

As per **claim 34,** Goertzel discloses the apparatus according to claim 32, further comprising means for receiving said at least one access question from said authentication entity; and means for transmitting an answer to said at least one access question to said authentication entity to authenticate said user (col.16 lines 36-54).

As per **claim 36**, Goertzel discloses the apparatus according to claim 31, further comprising means for receiving at least one access question from said authentication entity, said at least one access question being created by said authentication entity based on said identification information in order to uniquely identify and authenticate said user; and means for providing an answer to said at least one access question to said authentication entity to authenticate said user (col.16 lines 36-54).

As per **claim 37**, Goertzel discloses an apparatus comprising means for receiving an authentication request related to a user requesting access to a secure data providing entity; means for retrieving a profile of said user from an access database; and means for transmitting authentication information to said secure data providing entity, said authentication information comprising levels of authentication corresponding to locations, wherein different levels of access to said secure data providing entity is given when said user requests access from different locations (col.1 line 55 thru col.2 line 10).

As per **claim 38**, Goertzel discloses the apparatus according to claim 37, further comprising means for receiving identification information related to said user from a personal transaction device coupled to said user and said secure data providing entity, said identification information including at least one access question uniquely identifying said user; and means for storing said at least one access question and at least one level of authentication in said profile within said access database (col.16 lines 36-54).

As per **claim 39**, Goertzel discloses the apparatus according to claim 37, further comprising means for receiving identification information related to said user from a personal transaction device coupled to said user and said secure data providing entity; means for creating at least one access question based on said identification information, said at last one access question uniquely identifying said user; and means for storing said at least one access question and at least one level of authentication in said profile within said access database (col.16 lines 36-54).

**Claims 40-45** are directed towards the apparatus of claims 31-36 wherein the

apparatus is a computer-readable medium executing instructions within a processing

system and are rejected by similar rationale.

**Claims 46-48** are directed towards the apparatus of claims 37-39 wherein the

apparatus is a computer-readable medium executing instructions within a processing

system and are rejected by similar rationale.

As per **claim 49**, Goertzel discloses a computerized method of providing multiple

access levels to a secure data providing entity, the method comprising authenticating a

first access level to the secure data providing entity if a request for access is sent from a

first location; and authentication a second access level to the secure data providing

entity if the request for access is send from a second location, wherein the second

access level allows more access than the first access level (col.1 line 55 thru col.2 line

10).


### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.


**Claims 8, 11, 14, 16, 18, 23, 25, 29, 30, and 35 are rejected under 35**

**U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,308,273 B1 to Goertzel**

**et al. and further in view of U.S. Patent Application Publication No. 2002/0026423**

**A1 to Maritzen et al.**

As per **claim 8**, Goertzel fails to disclose wherein said transmitting further

comprises establishing biometric access to said authentication entity using a biometric

control module.

Maritzen teaches a system and method for conducting secure electronic

commerce transactions further comprising establishing biometric access to an

authentication entity using a biometric control module ([0032]).

It would have been obvious to a person of ordinary skill in the art at the time of

the invention to include within Goertzel's method and system of security location

discrimination the biometric control module of Maritzen to provide even more security.

As per **claim 11**, Goertzel fails to disclose wherein said authentication entity is a

transaction privacy clearing house (TPCH) server.

Maritzen discloses wherein said authentication entity is a transaction privacy

clearing house (TPCH) server ([0033]).

It would have been obvious to a person of ordinary skill in the art at the time of

the invention to combine Goertzel's method and system of security location

discrimination with the transaction privacy clearinghouse server in Maritzen in order to

provide a secure means of accessing private information.

As per **claims 14 and 16**, Goertzel fails to disclose wherein said authentication request is received from a personal transaction device coupled to said user and to said secure entity.

Maritzen discloses wherein said authentication request is received from a personal transaction device coupled to said user and to said secure entity ([0032]).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Goertzel's method and system of security location discrimination with the personal transaction device in Maritzen in order to provide a more personal, secure, and mobile means of accessing personal information.

As per **claim 18**, Goertzel fails to disclose wherein said transmitting further comprises establishing biometric access to said authentication entity using a biometric control module.

Maritzen teaches a system and method for conducting secure electronic commerce transactions further comprising establishing biometric access to an authentication entity using a biometric control module ([0032]).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include within Goertzel's method and system of security location discrimination the biometric control module of Maritzen to provide even more security.

**Claim 23** is directed towards a system's implementation of the method of claim 14 and is rejected by similar rationale.

**Claim 25** is directed towards a system's implementation of the method of claim 16 and is rejected by similar rationale.

Claim 29 is directed towards a system's implementation of the method of claim

18 and is rejected by a similar rationale.

As per claim 30, Goertzel fails to disclose wherein said authentication request is

received from a personal transaction device coupled to said user and to said secure

entity.

Maritzen discloses wherein said authentication request is received from a

personal transaction device coupled to said user and to said secure entity ([0032]).

It would have been obvious to a person of ordinary skill in the art at the time of

the invention to combine Goertzel's method and system of security location

discrimination with the personal transaction device in Maritzen in order to provide a

more personal, secure, and mobile means of accessing personal information.

As per claim 35, Goertzel fails to disclose wherein said transmitting further

comprises establishing biometric access to said authentication entity using a biometric

control module.

Maritzen teaches a system and method for conducting secure electronic

commerce transactions further comprising establishing biometric access to an

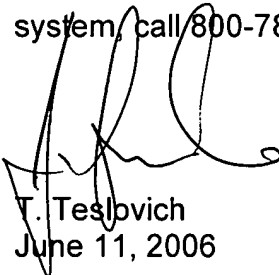authentication entity using a biometric control module ([0032]).

It would have been obvious to a person of ordinary skill in the art at the time of

the invention to include within Goertzel's method and system of security location

discrimination the biometric control module of Maritzen to provide even more security.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Teslovich whose telephone number is (571) 272-4241. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T. Teslovich
June 11, 2006

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SUPERVISORY PATENT EXAMINER